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C O N F I D E N T I A L STATE 211579

E.O. 12356: DECL: OADR
 TAGS: PHUM, PREL, PREF, RW
 SUBJECT: RWANDA COMMISSION OF EXPERTS DEMARCHE

REF: STATE 202027

1. CONFIDENTIAL -- ENTIRE TEXT.

UNITED STATES DEPARTMENT OF STATE
 REVIEW AUTHORITY: ARCHIE M BOLSTER
 DATE/CASE ID: 04 NOV 2011 201005065

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2. THE SECRETARY GENERAL OF THE UNITED NATIONS HAS APPOINTED THREE PERSONS TO THE COMMISSION OF EXPERTS TO INVESTIGATE GENOCIDE AND CRIMES AGAINST HUMANITY IN RWANDA. THEY ARE ATSU-KOFFI AMEGA (TOGO) (CHAIRMAN), MEMBER OF THE AFRICAN COMMISSION ON HUMAN RIGHTS AND PEOPLES RIGHTS, FORMER PRESIDENT OF THE SUPREME COURT AND FORMER FOREIGN MINISTER; HABI DIENG (GUINEA), ATTORNEY GENERAL; AND SALIFOU FOMBA (MALI), PROFESSOR OF INTERNATIONAL LAW AND MEMBER OF THE UNITED NATIONS INTERNATIONAL LAW COMMISSION.

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3. THE COMMISSION IS TO TRAVEL TO KIGALI AND AS UNSC RESOLUTION 935 REQUIRES, COMPLETE ITS REPORT WITHIN FOUR MONTHS. BECAUSE THERE HAVE SO CLEARLY BEEN MASSIVE CRIMES COMMITTED IN RWANDA, THE U.N. SHOULD MOVE TO ESTABLISH AN INTERNATIONAL TRIBUNAL AS SOON AS POSSIBLE. THEREFORE,

THE COMMISSION SHOULD REPORT MUCH MORE QUICKLY THAN IN FOUR MONTHS.

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4. THE URGENCY OF THE TASK IS HEIGHTENED BY THE NEW GOVERNMENT OF RWANDA (GOR)'S ANNOUNCEMENT THAT IT WILL NOT WAIT LONG TO TRY THOSE GUILTY OF GENOCIDE. THE PRIME MINISTER OF THE GOR WANTS AN INTERNATIONAL TRIBUNAL ESTABLISHED, BUT SAYS THE GOR CANNOT WAIT FOR YEARS. UNLESS THE U.N. MOVES QUICKLY, THE GOR HAS ANNOUNCED IT WILL USE NATIONAL MILITARY COURTS TO TRY THE ACCUSED.

5. NATIONAL TRIALS IN RWANDA MIGHT BE SEEN BY HUTUS AS REVENGE, ESPECIALLY IF THOSE CONVICTED ARE EXECUTED, AS RWANDAN LAW PROVIDES. EXECUTIONS COULD EASILY START ANOTHER REVOLUTION IN THE CYCLE OF GENOCIDE. IT IS IMPERATIVE THAT AN INTERNATIONAL TRIBUNAL BE ESTABLISHED TO STOP THE GOR FROM RESORTING TO NATIONAL TRIALS.

6. POSTS ARE ASKED TO CONTACT THE PERSONS NAMED AS MEMBERS OF THE COMMISSION OF EXPERTS TO CONVEY THE U.S. GOVERNMENT'S HOPE THAT THEY WILL MOBILIZE QUICKLY, CARRY OUT THEIR INVESTIGATION IN RWANDA, AND FORWARD THEIR REPORT TO THE SECRETARY GENERAL AS SOON AS POSSIBLE. TALKING POINTS FOLLOW, AS SET FORTH IN REFTEL:

--THE U.S. STRONGLY SUPPORTS YOUR MISSION TO DETERMINE

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WHAT WAR CRIMES HAVE BEEN COMMITTED IN RWANDA AND WHO IS RESPONSIBLE. WE BELIEVE THAT SUCH ACCOUNTABILITY IS IMPORTANT TO DETER FUTURE ATROCITIES. WE ALSO BELIEVE IT IS IMPORTANT THAT ATROCITIES IN RWANDA RECEIVE A RESPONSE COMMENSURATE WITH THAT GIVEN TO THE FORMER YUGOSLAVIA.

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--WE BELIEVE IT IS IMPORTANT FOR THE COMMISSION OF EXPERTS
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FOR RWANDA TO COMPLETE ITS WORK EXPEDITIOUSLY HOPEFULLY WELL BEFORE THE FOUR MONTH DEADLINE. IT IS ESSENTIAL TO PROCEED WITHOUT UNNECESSARY DELAY.

--IF YOU DETERMINE THAT GENOCIDE HAS BEEN COMMITTED AND THAT IT SHOULD BE TRIED BY AN INTERNATIONAL TRIBUNAL WE WOULD DO OUR UTMOST TO SUPPORT PROMPT ESTABLISHMENT OF SUCH A TRIBUNAL. AN INTERNATIONAL TRIBUNAL MIGHT ASSIST IN POLITICAL RECONCILIATION IN RWANDA IN THAT OFFENDERS WOULD BE DEALT WITH BY AN IMPARTIAL OUTSIDE BODY RATHER THAN BY ANY OF THE PARTIES TO THE RECENT CONFLICT.

--IF THERE IS ANY WAY THE U.S. GOVERNMENT CAN BE OF ASSISTANCE IN FACILITATING THE COMMISSION'S WORK, PLEASE LET US KNOW, AND WE WILL DO OUR UTMOST TO HELP.

END TALKING POINTS.

6. PLEASE SLUG RESPONSES FOR USUN/W - DAVID SCHEFFER.
MOOSE

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